

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
COCHISE COUNTY

ECS FILE: JPA-86-11

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the COUNTY OF COCHISE, hereinafter called "COUNTY".

WHEREAS, the State is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE:

WHEREAS, the COUNTY is empowered by ARS-11-251 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said COUNTY;

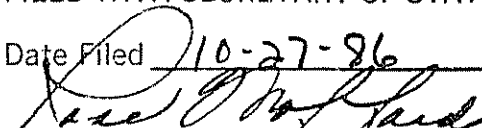
WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the County. This work shall include the reconstruction of an existing roadway at the following location:

On the west leg of Foothill Drive from SR 92 west approximately 500 feet.

Project M-950-8(1).

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall initiate a Change Order covering the items of work to be done, as this project is currently under contract.

NO. <u>11556</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>10-27-86</u>
 Secretary of State

2. The COUNTY, upon completion of the work shall reimburse the STATE for 100% of the final construction and engineering costs on the west leg of Foothill Drive at SR 92 not to exceed \$60,000 for its share of the cost of this work.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the reconstruction work is complete, in place, and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

5. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

6. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the COUNTY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

7. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

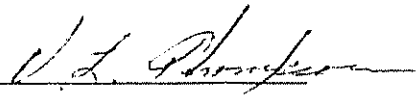

State Engineer

DATE:

3 OCT. 1986

COUNTY OF COCHISE

BY:

V. L. Thompson 

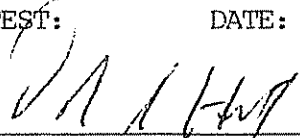
TITLE:

Chairman, Board of Supervisors

ATTEST:

DATE:

September 29, 1986


Clerk of the Board of Supervisors

Date: 9/29/86

EXHIBIT "B"
APPROVAL OF THE COUNTY ATTORNEY

I hereby state that I have reviewed the proposed Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and the COUNTY OF COCHISE, and declare the agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

Dated this 24 day of September, 1986.

COUNTY OF COCHISE

BY:

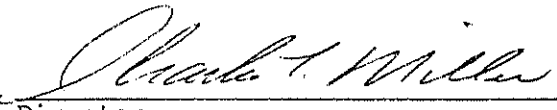
George W. Reyes (Dputy)
County Attorney

Project M-950-8(1)

Foothill Drive at SR 92 in Cochise County MP 321.84

RESOLUTION

BE IT RESOLVED ON THIS 10th day of September, 1986, that I, CHARLES L. MILLER, as director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the COUNTY OF COCHISE for the reconstruction of an existing roadway intersecting SR 92. Cochise County will participate in project costs. THEREFORE, authorization is hereby given to draft said Agreement, which upon completion, shall be submitted for approval and execution by the State Engineer.



Director
ARIZONA DEPARTMENT OF TRANSPORTATION



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR86-1785, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 20th day of October, 1986.

ROBERT K. CORBIN
Attorney General

Albert Meyer
Assistant Attorney General
Transportation Division